

REMARKS

Reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks is respectfully requested. Entry of this Amendment under Rule 116 is merited as it raises no new issues and requires no further search.

Claims 1-2, 4-10, 12-15 and 17-23 are pending in the application. Non-elected claims 11 and 16 have been cancelled without prejudice or disclaimer. No new matter has been introduced through the foregoing amendments.

The art rejections of all pending claims as being obvious over *Lovert* (U.S. Patent No. 3,532,093) in view of the other, teaching references are noted. Applicants respectfully traverse the rejections because the applied references, especially *Lovert*, do not fairly teach or suggest all limitations of the independent claims, e.g., “said receiving member comprises an annular portion removably insertable from below said holder member through said through-hole so as to be located on the upper surface in the transversely middle zone of said crotch region.” See independent claims 1, 14 and 20.

As can be seen in Fig. 2 of *Lovert*, the presence of the bottom layer 11 (Fig. 2 of *Lovert*) would prevent the bag 50 from being inserted from below holder member 10 through the opening 40 in the presently claimed manner.

In addition, the rounded bottom and the pointed upper edge 52 of bag 50 of *Lovert* strongly suggest to a person of ordinary skill in the art that bag 50 must be inserted into the opening 40 from above, with the rounded bottom of bag 50 functioning as a lead-in portion for facilitating the insertion of bag 50 from above holder member 10 through the opening 40 as shown in Fig. 2 of *Lovert*. The person of ordinary skill in the art would realize that even if the bottom layer 11 of *Lovert* is removed as disclosed at column 4 lines 9-15, the pointed upper edge 52 of bag 50 would prevent the bag from being insertable, from below, into opening 40.

The above deficiency of *Lovert* is not deemed curable by the teaching references. Therefore, Applicants respectfully submit that the applied references singly or in combination fail to disclose, teach or suggest all limitations of the rejected independent claims.

The dependent claims are considered patentable at least for the reasons advanced above with respect to the respective independent claims.

As to claim 9, Applicants respectfully disagree with the Examiner's statement that the cited portion of *Tsuji*, i.e., column 7 lines 47-67 mentioned in the Final Office Action at page 5, line 6 from bottom, discloses that the X-shaped sheet is positioned on top and bonded to said topsheet. Note, also column 4 lines 65-67 of *Tsuji*.

As to claims 13, 17 and 22, the applied references, especially *Ahlstrand*, do not fairly teach or suggest that "said discharge containing portion comprises a top wall having an aperture in fluid communication with the annular portion; a bottom wall; a side wall connecting the top wall and the bottom wall; and an absorbent core containing said absorbent material; wherein said absorbent core is disposed at an underside of the top wall around the aperture and upwardly spaced from the bottom wall." *Ahlstrand* discloses in Fig. 3 a structure in which absorbent cores 51 are disposed on the bottom wall 2 of the bag, rather than at an underside of the top wall as presently claimed. *Ahlstrand* also fails to teach or suggest that the absorbent cores 51 are disposed around the aperture in the top wall as presently claimed.

As to claims 19 and 23, Applicants respectfully disagree with the Examiner's allegation that *Lovert* teaches an annular portion that "has a height measured upwardly from the top wall of said discharge containing portion greater than a height measured between the top wall and the bottom wall of said discharge containing portion." As discussed at column 3 lines 42-48 of *Lovert*, the upper section, between reference numerals 51 and 52, of bag 50 is configured to function as flange 41. Thus, when bag 50 is used with holder member 10, the upper section between reference numerals 51 and 52 of bag 50 will correspond to the claimed annular portion and the lower section

between neck 51 and the bottom of bag 50 will correspond to the claimed discharge containing portion, with the top wall of the *Lovert* discharge containing portion being at the level of reference numeral 51. A person of ordinary skill in the art would then recognize that *Lovert* teaches a structure opposite to the claimed structure with the height of the annular portion (between 51 and 52) being smaller than the height of the discharge containing portion (between 51 and the bottom of bag 50).

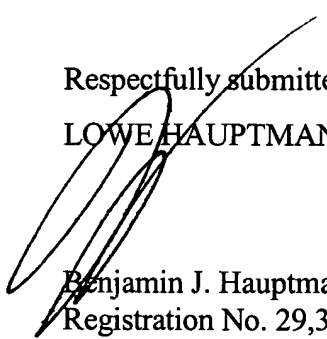
Accordingly, all claims in the present application are now in condition for allowance. Early and favorable indication of allowance is courteously solicited.

The Examiner is invited to telephone the undersigned, Applicant's attorney of record, to facilitate advancement of the present application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

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